

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On May 10, 2012 State Office Building, Hartford, Connecticut

The State Properties Review Board held its regularly scheduled meeting on May 10, 2012 in the State Office Building.

Members Present: Edwin S. Greenberg, Chairman
Bennett Millstein, Vice-Chairman
Bruce Josephy, Secretary
Mark A. Norman
Pasquale A. Pepe
John P. Valengavich

Staff Present: Brian A. Dillon, Director
Mary Goodhouse, Real Estate Examiner

Chairman Greenberg called the meeting to order.

Mr. Josephy moved and Mr. Norman seconded a motion to enter into Open Session. The motion passed unanimously.

OPEN SESSION

ACCEPTANCE OF MINUTES OF MAY 3, 2012. Mr. Norman moved and Mr. Valengavich seconded a motion to approve the minutes of May 3, 2012. The motion passed unanimously.

COMMUNICATIONS

Department of Transportation Report of Property Acquisitions. As required by CGS Section 13a-73(h), the Board received a report from DOT dated May 3, 2012 listing property acquisitions, not in excess of \$5,000, processed during April 2012.

REAL ESTATE- UNFINISHED BUSINESS

REAL ESTATE- NEW BUSINESS

Mr. Josephy moved and Mr. Norman seconded a motion to go out of Open Session into Executive Session. The motion passed unanimously.

EXECUTIVE SESSION

PRB # 12-118 -A **Transaction/Contract Type:** AG / Purchase of Develop. Rights
Origin/Client: DOA / DOA
Statutory Disclosure Exemptions: 1-200(6) & 1-210(b)(7)

The Board commenced its discussion of the proposed purchase of development rights at 9:46 a.m. and concluded at 9:55 a.m.

Mr. Josephy moved and Mr. Norman seconded a motion to go out of Executive Session into Open Session. The motion passed unanimously.

OPEN SESSION

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PRB # 12-119 **Transaction/Contract Type:** RE / Lease
Origin/Client: DOT / DOT
Project Number: 03.17-(01)-11
Lessee: City of Danbury
Property: Danbury Railyard Loop Track between White St. & the Station, Danbury, CT
Project Purpose: DOT Lease Agreement
Item Purpose: DOT Agreement with the City of Danbury to allow for the operation of the Danbury Railway Museum and monitoring of pollution wells within a 10.3-acre fenced location on the premises.

Ms. Goodhouse reported that in 1993, the DOT closed the old Danbury Train Station. In 1994, DOT entered into a license agreement with the City of Danbury, when a non-profit established to operate a rail museum. The license agreement allowed the City to use 5.714 acres of the Danbury Rail Yard for museum purposes. The State provided \$500,000 to install a private at-grade rail crossing, fencing, security lighting and track improvements.

In 2010, the City asked DOT to revise the license agreement so that it would include all the area used by the museum, which is actually 10.3 fenced acres within the confines of the Danbury Rail Yard Loop Track of the Danbury Branch Rail Line, not including the active Danbury Rail Yard Loop Track. There is a companion license agreement for a private at-grade pedestrian crossing. The terms of the new lease are as follows:

Lessee	City of Danbury
Premises	10.3 fenced acres within the Danbury Rail Yard Loop Track
Use	To operate the Danbury Railway Museum, and to monitor pollution wells on the Premises
Effective Date	Lease commences upon AG approval
Term	First term expires 12/31/2027, which is 15 years. The Lessee has the right to renew for two additional 10 year periods by giving the State 60 days notice of its intention to renew.
Termination	State can terminate with 90 days notice if the Premises are needed for transportation purposes. Lessee can terminate with 90 days notice.
Fees	\$0.00
Insurance (minimum)	Commercial General Liability: \$1 million/\$2 million aggregate Motor Vehicle Insurance: \$1 million/\$2 million aggregate
Utilities, costs	Lessee pays all utility costs, all taxes, and all maintenance costs. Lessee is responsible to install & maintain an 8 foot high chain link fence and 3 gates that surround the property.
Other	A companion License Agreement authorizes the construction of a 20 foot wide, 58 foot long private crossing located within the railroad right of way of the Loop Track at Station Point 8+90; to be constructed by Metro-North at the City's expense.

DOT requires no rent because the agreement benefits the City of Danbury's residents and supports the continued operation of the Danbury Railway Museum, a non-profit Connecticut corporation. The Danbury City Council authorized the city to enter into the lease agreement on 2/4/2012.

Ms. Goodhouse recommended that the Board suspend its consideration of the item because she was waiting for additional information from DOT regarding (1) the City of Danbury's responsibility for monitoring of pollution wells on the leased premises; and (2) access, if any was necessary, for Metro-North to access the leased premises.

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PRB # 12-121 **Transaction/Contract Type:** RE / Assignment
Origin/Client: DOT / DOT
Project Number: 12.13-05-(99)A
Grantee: Town of Winchester
Property: Prospect Street, Winchester, CT
Project Purpose: Assignment of Land to the Town of Winchester
Item Purpose: Assignment of approximately 28,150 SF of vacant land, 3,316 SF of drainage right of way and 15,239 SF of easement area to the Town of Winchester for highway purposes in connection with the Prospect Street Reconstruction Project.

Mr. Dillon recommended Board approval for the release of this real estate to the Town of Winchester because the conveyance complies with Section 13a-80 of the CGS governing the release of excess property by the commissioner of transportation; and 2. the descriptions in the Quit-Claim to release the real property are consistent with the descriptions in the DOT acquisition deeds.

In 1999 DOT conducted various takings and acquired numerous easements and drainage right of ways in connection to the proposed *Prospect Street Reconstruction Project* in Winchester. Under the project Agreement, No 12.13-05(99) for Federal Project STPN 1289(2), Section 11 requires that "That all properties and rights acquired will be released to the municipality for highway purposes upon completion of the project." In 2011, the project was completed and DOT began the process of assigning the real estate within the project area back to the Town of Winchester. The areas to be released comprise portions of eighteen separate (18) separate parcels. This is a release along a town street for highway purposes only.

ARCHITECT-ENGINEER - UNFINISHED BUSINESS

ARCHITECT-ENGINEER – NEW BUSINESS

PRB# 12-120 **Transaction/Contract Type:** AE / New Contract
Project Number: BI-RS-225B **Origin/Client:** DCS/SCSU
Contract: BI-RS-225B-CA
Consultant: Strategic Building Solutions, LLC
Property: Buley Library, Southern Connecticut State University
Project Purpose: Phase II Additions and Renovations to Buley Library
Item Purpose: New contract for the consultant to act as the Construction Administrator for the Phase II Buley Library Project.

Mr. Dillon reported that the project involves the design and renovation the existing five story, approximately 98,000 gross square feet Buley Library building on the SCSU campus into a state of the art academic library. The work will include interior design, renovation and fit out work based on the planning and program study approved by SCSU Facilities dated Nov 11, 2011. The connection between the new Phase 1 Building and this Phase II work is included in the scope; although the initial design included a proposed monumental staircase which has been deleted from the project. The exterior façade including the entrance from the quadrangle and Mechanical, Electrical and Plumbing (MEP) systems as previously designed under Phase 1 shall be maintained as much as possible, but shall be adjusted or revised to accommodate the new program, including modifying the penthouse to accommodate the HVAC system.

The overall project budget and construction budget are \$27,975,000 and \$17,000,000 plus approximately \$1,700,000.00 of stored material respectively. Construction Administration services

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include working with Construction Manager at Risk during bidding and construction, and working with owner regarding the CMR's GMP Proposal. All of the previous Phase I contracts have been terminated and this project shall stand alone and does not have contractual obligations or responsibilities to any of the Phase I firms. This project will be bid as a Construction Manager at Risk ("CMR") project.

In October 2011 the Department of Construction Services ("DCS") issued a Request for Qualifications (RFQ) for Owner's Representative Consultant Teams related to the SCSU Buley Library Phase II Project. DCS elicited ten (10) responses to the advertisement out of which one of the respondents was disqualified for being "non-responsive". After completion of the internal review process, four firms were selected for short-listed interviews. These firms were as follows; Arcadis U.S., Inc., DPMCT, Inc., LiRo Program and Construction Management, P.C., and Strategic Building Solutions, LLC. The State Selection Panel consisted of 5 members and interviewed each firm for evaluation purposes based upon an established weighted ranking system. At the conclusion of the process DCS identified Strategic Building Solutions, LLC ("SBS") as the most qualified firm.

During the process of negotiating the contract and finalizing the scope of services it was determined by DCS that the State's needs would be better served by revising the contract from an Owner's Representative to a Construction Administrator's Contract. The compensation rate for this basic service is **\$900,530** plus an additional **\$335,262** for special service and/or sub-consultants. As such the total proposed contract is **\$1,235,792** for project CA services which amounts to a total fee of 6.61% of the overall construction budget. The basic service fee is equivalent to 4.81% of the construction budget.

Mr. Dillon recommended that SPRB approve this contract. All the required documents have been submitted by DCS and the basic service fee of \$900,530 amounts to 4.81% of the construction budget which is within the maximum guideline rate of 5% established by the agency for Construction Administration services.

OTHER BUSINESS

The Board took the following votes in Open Session:

PRB FILE #12-118 – A – Mr. Norman moved and Mr. Millstein seconded a motion to suspend PRB File #12-118 – A pending, but not limited to, the results of a site inspection. The motion passed unanimously.

PRB FILE #12-119 - Mr. Pepe moved and Mr. Valengavich seconded a motion to suspend PRB File #12- 119 pending receipt of additional information from the Department of Transportation. The motion passed unanimously.

PRB FILE #12-120 - Mr. Valengavich moved and Mr. Norman seconded a motion to approve PRB File #12-120. The motion passed unanimously.

PRB FILE #12-121 - Mr. Norman moved and Mr. Valengavich seconded a motion to approve PRB File #12-121. The motion passed unanimously.

The meeting adjourned.

APPROVED: _____ **Date:** _____
Bruce Josephy, Secretary